



**United States Environmental Protection Agency**

**Region I**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

[Final]

**MAR 31 2014**

Mr. Arthur C. Sacco, President  
Coating Systems, Incorporated  
90 Phoenix Avenue  
Lowell, MA 01852

**Re: NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act ("RCRA"), the Hazardous and Solid Waste Amendments ("HSWA") of 1984, and the Commonwealth of Massachusetts Department of Environmental Protection Hazardous Waste Regulations (310 CMR 30.00 through 30.1103)

Dear Mr. Sacco:

On June 19, 2013 the United States Environmental Protection Agency (EPA) conducted a Compliance Evaluation Inspection at Coating Systems, Inc. ("Coating Systems" or the "Facility") in Lowell, Massachusetts. The purpose of this inspection was to determine the compliance of Coating Systems (EPA ID No. MAD985290337) with the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") Hazardous Waste Regulations (310 CMR 30.00 through 30.1103), and Federal Hazardous Waste Management Regulations found at 40 CFR Part 260-272. The Commonwealth of Massachusetts has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection, EPA has determined that your facility violated certain provisions of the MassDEP regulations and the RCRA regulations, promulgated at 40 CFR Part 260 through Part 272. The specific violations are set forth below:

1. **Failure to conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.302.**

Specifically, at the time of the inspection, EPA observed the following containers of waste that had not undergone timely and appropriate hazardous waste determinations:

- a. Maintenance Department: EPA inspectors were introduced to Mr. Boutotte, Maintenance Supervisor. Inspectors did not observe any hazardous wastes in this department. However, inspectors did observe approximately 10 aerosol spray cans. When asked what happens to these aerosol spray cans when they either become emptied of content or propellant, or when their actuators no longer



functions, Mr. Boutotte said he would throw them away into the regular domestic trash barrel; and

- b. Powder Coat Area: EPA inspectors were introduced to Mr. Matt Pelligrino (Powder Manager). EPA observed one gray metal cabinet with approximately 50 1-quart containers of ink used in the silk screen process for the application of customer labels on finished components. Mr. Pelligrino indicated that the Silk Screening Department may not need some of the containers and that some of the containers "could be disposed of." EPA inspectors asked Messrs. Courtemanche and Pelligrino to inventory the cabinet, determine which containers were waste, perform adequate hazardous waste determinations on those waste containers, and then provide EPA with copies of all associated waste shipping documents. [Note: some of the containers in the cabinet were marked with "opened" dates in 2001, 2003 and 2004].
2. **Failure to minimize the possibility of any threat to public health, safety, or welfare, or the environment from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(e)(1), which further references and modifies 310 CMR 30.524(1).**

Specifically, at the time of the inspection, EPA observed the following instance of failure to minimize the threat of a fire, explosion, or unplanned release:

Less-than 90-day hazardous waste storage area (HWSA): The ceiling directly over the HWSA was leaking water from a previous heavy rain event. Facility representatives had situated a bucket under the leak to collect the liquid. The floor around the bucket was wet.

3. **Failure to ensure that a container holding a hazardous waste, that is incompatible with any waste or other material stored nearby in other containers, shall be separated from the other waste or other material or protected from it by means of a dike, berm, wall or other device, as required by 310 CMR 30.340(2), which references 310 CMR 30.342(1)(f), which further references 310 CMR 30.688.**

Specifically, at the time of the inspection, EPA observed the following instance of failure to separate waste from other incompatible material stored nearby, without benefit of separation or protection:

HWSA: EPA observed the storage of virgin muriatic acid (located directly adjacent to and to the left of the HWSA and without benefit of secondary containment), stored adjacent to several containers of caustic hazardous waste (i.e., sodium hydroxide, D002) within the HWSA.

4. **Failure to maintain sufficient aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area within the hazardous waste management unit in an emergency, as required by 310 CMR 30.340(4)(a), which reference 310 CMR 30.341(1)(e)(6), which further references and modifies 310 CMR 30.524(5).**



Specifically, at the time of the inspection, EPA observed the following aisle space violation:

HWSA: EPA observed one cubic yard tote labeled on its side "hazardous waste, sodium hydroxide, water 0-50%, D002, start accumulation date 5/28/13." The available aisle space around this tote was insufficient for the inspectors to directly access and read the tote label. EPA had to squeeze the camera into the available space to take a picture. The label information was then read from the digital image.

5. **Failure to conspicuously place a "No Smoking" sign in an area where there is a potential or actual hazard from ignitable or reactive waste, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(f), which further references 310 CMR 30.560(2).**

HWSA: The HWSA was not posted with a "No Smoking" sign. The HWSA stores reactive wastes (i.e., sodium cyanide).

6. **Failure to have an up-to-date written list containing the names and telephone numbers of the emergency coordinators prominently posted near the telephones at the site of accumulation, as required by 310 CMR 30.341(1)(e)(4), which references 310 CMR 30.524(2)(f)(1).**

HWSA: The closest available telephone to the HWSA was located in the Shipping Office, approximately 70 feet from the HWSA. Mr. Courtemanche (described in the inspection in-brief as the Facility's primary hazardous waste Emergency Coordinator) was not mentioned on the posting. Mr. Courtemanche then explained that he thought Mr. Sacco is actually the primary Emergency Coordinator and that he and Thomas Martin were first and second Emergency Coordinator Alternates, respectively. However, the HWSA posting lists the following staff by their first names after "Arthur" [Mr. Sacco]: Ray, Frankie, Dan and Matt, and only then lists "Tom" [Mr. Martin]. EPA recommended that an updated emergency posting be placed at the Shipping Office telephone and at the telephone in the Production Manager's (Daniel Swarbrick) office, since this telephone is only approximately 20 feet away for the HWSA. Further, the posting should list full names and contact information, as opposed to listing staff by their first names, as described above.

*[Note: On August 28, 2013, EPA received a revised emergency posting that lists the following emergency coordinators: Primary-Dan Swarbrick, 1<sup>st</sup> Alternate-Jarrold Courtemanche, and 2<sup>nd</sup> Alternate-Tom Martin.]*

7. **Failure to ensure that personnel assigned to the management of hazardous waste successfully complete a program of instruction or on-the-job training (within 6 months of hire or assignment and annually thereafter) that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulations; and failure to ensure that personnel shall not work in unsupervised positions until they have successfully completed such training, as 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(1)(a) through (d).**

EPA requested copies of all 2011 through 2013 training records for Facility personnel with significant hazardous waste management duties (including those with roles as



emergency coordinators, as designated in the Facility's hazardous waste contingency plan (CP)).

The CP designated Arthur Sacco as the Primary Emergency Coordinator and Dan Swarbrick as the Alternate Emergency Coordinator. This differed from Jarrold Courtemanche's statement that he and Thomas Martin were the alternate coordinators.

The training records presented to EPA indicated that only Mr. Thomas Martin received RCRA training on 9/26/2012, but he was only designated as the 5<sup>th</sup> in line contact on the HWSA emergency posting and was not mentioned at all as an alternate in the CP.

Messrs. Sacco, Swarbrick and Courtemanche were not trained in RCRA hazardous waste management, hazardous waste contingency planning, or on the specifics of the Facility's hazardous waste CP. Further, Messrs. Courtemanche and Swarbrick only received HAZWOPER training, specifically:

Mr. Courtemanche:	HAZWOPER-11/12/10, 6/2/11, 10/19/12;
Mr. Martin:	HAZWOPER-6/3/2011; USDOT and RCRA-9/26/12.
Mr. Swarbrick:	HAZWOPER-7/24/13.
Mr. Sacco:	No training.

Finally, EPA reviewed hazardous waste manifest No. 005695850, issued on August 7, 2012, shipping F006 sludge and corrosive (D002) wastes. This manifest was signed by Francis Oserro. Mr. Oserro had not received RCRA hazardous waste training.

8. **Failure to ensure that the contingency plan contains an up-to-date lists the names, addresses, and the office and home phone numbers of all individuals qualified to act as primary and alternate emergency coordinators, as required by 310 CMR 30.341(1)(b)(5), which references and modifies 310 CMR 30.521(8).**

Regarding the Facility's integrated contingency plan entitled "Emergency Action Hazard Communication and Contingency Plan [CP]," dated May 15, 2012: In addition to the emergency coordinator training deficiencies (see item 6, above), the only RCRA-trained individual (i.e., Thomas Martin) was not listed as an emergency coordinator in the CP; the CP identifies emergency contacts by their first names; the CP does not clearly identify the primary Emergency Coordinator verses designated 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> etc. alternate Emergency Coordinators; and it does not consistently provide the work/home/cell telephone numbers and addresses of the various emergency coordinators.

**Coating Systems is hereby required to:**

**Immediately upon receipt of this NOTICE:**

1. Conduct a timely and appropriate hazardous waste determination, as required by 310 CMR 30.302;
2. Minimize the possibility of any threat to public health, safety, or welfare, or the environment from a fire, explosion, or any other unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(e)(1), which further references and modifies 310 CMR 30.524(1);



3. Ensure that a container holding a hazardous waste, that is incompatible with any waste or other material stored nearby in other containers, shall be separated from the other waste or other material or protected from it by means of a dike, berm, wall or other device, as required by 310 CMR 30.340(2), which references 310 CMR 30.342(1)(f), which further references 310 CMR 30.688:
4. Ensure that there is sufficient aisle space around containers of hazardous waste to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area within the hazardous waste management unit in an emergency, as required by 310 CMR 30.340(4)(a), which reference 310 CMR 30.341(1)(e)(6), which further references and modifies 310 CMR 30.524(5);
5. Ensure the presence of a conspicuously located "No Smoking" sign in an area where there is a potential or actual hazard from ignitable or reactive waste, as required by 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(f), which further references 310 CMR 30.560(2);
6. Ensure that an up-to-date written list containing the names and telephone numbers of the emergency coordinators is prominently posted near the telephones at the site of accumulation, as required by 310 CMR 30.341(1)(e)(4), which references 310 CMR 30.524(2)(f)(1);
7. Ensure that personnel assigned to the management of hazardous waste successfully complete a program of instruction or on-the-job training (within 6 months of hire or assignment and annually thereafter) that teaches them to perform their duties in a way that ensures compliance with hazardous waste regulations; and failure to ensure that personnel shall not work in unsupervised positions until they have successfully completed such training, as 310 CMR 30.340(4)(a), which references 310 CMR 30.341(1)(a) and 310 CMR 30.516(1)(a) through (d); and
8. Ensure that the contingency plan contains an up-to-date lists the names, addresses, and the office and home phone numbers of all individuals qualified to act as primary and alternate emergency coordinators, as required by 310 CMR 30.341(1)(b)(5), which references and modifies 310 CMR 30.521(8).

**Within 30 days of receipt of this NOTICE:**

Coating Systems is required to submit a written description, with supporting documentation, of the actions taken to correct the aforementioned violations. *[Note: On August 28, 2013, U.S. Environmental Protection Agency received email correspondence from Jarrod Courtemanche (Coating Systems Quality Manager) transmitting Coating System's response to EPA's June 2013 inspection out-brief findings. This email documents actions taken to resolve several issues observed by EPA during the inspection. Specifically, this documentation describes corrective measures undertaken to partially correct items 1, 4, 5 and 7, above. This correspondence can be incorporated as part of the response to this NOTICE.]*

Information submitted in accordance with this NOTICE should be sent to the following address:

Ms. Susann D. Nachmann, Environmental Engineer  
US EPA Region 1 Office of Environmental Stewardship  
RCRA, EPCRA and Federal Programs Unit (OES05-1)  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912

Failure to correct the violations, as required by this NOTICE may subject Coating Systems to further Federal enforcement action, including an assessment of penalties, pursuant to Section 3008 of RCRA, 42 U.S.C. § 692. If you have any questions regarding this NOTICE, please contact Susann D. Nachmann or my staff at (617) 918-1871.

Sincerely,



Mary Jane O'Donnell, Acting Manager  
RCRA, EPCRA and Federal Programs Unit

cc: Jarrod Courtemanche, Coating Systems Quality Manager  
Ed Pawlowski, MassDEP  
Susann D. Nachmann, EPA  
RCRA file